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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,799

04/22/2004

Larry L. Russell

REED1001.11

5064

47953 7590 02/24/2010
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EXAMINER

PHAM, KHANH B

ART UNIT

PAPER NUMBER

2166

MAIL DATE

DELIVERY MODE

02/24/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/828,799	Applicant(s) RUSSELL, LARRY L.	
	Examiner Khanh B. Pham	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "the one or more web site identifier" in line 13.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-3, 5, 7-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly et al. (US 5,907,322 A), hereinafter "**Kelly**".

As per claim 1, Kelly teaches a method of providing directed search for a website address broadcast on television (Col. 1 lines 15-30 and 55-67) comprising:

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- "soliciting from an advertiser a predetermined set of web site identifiers and information on a product or service associated with the web site address broadcast on television" at Col. 3 lines 5-27, Col. 5 lines 60-65 and Fig. 4;
- "creating a database containing the set of web site identifiers and product or service information solicited" at Col. 3 lines 5-27;
- "permitting a user to search the database by inputting at least one of the web site identifiers" at Col. 3 lines 4-27;
- "providing to the user a search response including one or more web site address broadcast on television" at Col. 3 lines 23-27;
- "wherein the one or more web site identifiers include at least one member of the group consisting of: a physical location where the user received the television broadcast of the web site address; a time of day or date or dates when the user received the television broadcast of the web site address; a channel number or call-letters for the station on which the web site address was broadcast; and the name of a television program the user watched when the web site address was broadcast" at Col. 3 lines 17-23.

As per claim 2, Kelly teaches the method of claim 1, wherein "the search response further includes information related to a web site associated with the web site address broadcast on television" at Col. 3 lines 23-27.

As per claim 3, Kelly teaches the method of claim 1, wherein "the one or more web site identifiers further include at least one member of the group consisting of: a product or products associated with the web site address; a service or services associated with the web site address; a subject matter of interest associated with the television program or the web site address broadcast on television; and the name of a host, celebrity or personality associated with the television program" at Col. 3 lines 17-23.

As per claim 5, Kelly teaches a method for creating a directed search database of web sites broadcast on television (Col. 1 lines 15-30 and 55-67) comprising

- "providing each of a plurality of information providers access to a secured portion of the database" at Col. 3 lines 10-15;
- "providing each information provider a predetermined set of identifier categories" at Col. 3 lines 5-27;
- "allowing each information provider to store in the secured portion of the database one or more identifiers associated with a web site broadcast on television, each identifier corresponding to an identifier category" at Col. 3 lines 10-15;
- "creating a search query with the one or more identifier categories" at Col. 3 lines 15-20;
- "wherein the one or more identifiers associated with a web site broadcast on television include at least one member of the group consisting of: a physical location where the user received the television broadcast of the web site

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address; a time of day or date or dates when the user received the television broadcast of the web site address; a channel number or call-letters for the station on which the web site address was broadcast; and the name of a television program the user watched when the web site address was broadcast" at Col. 3 lines 5-15;

- "wherein a user searches the database by inputting at least one identifier in the search query, and a search result including a web site associated with the input identifier is provided when the search query is executed" at Col. 3 lines 4-28.

As per claim 7, Kelly teaches the method of claim 5, further comprising:

"allowing each information provider to store in the secured portion of the database non-identifier information relating to the web site" at Col. 3 lines 10-15.

As per claim 8, Kelly teaches the method of claim 5, wherein "the one or more identifiers associated with a web site broadcast on television further include at least one member of the group consisting of: a product or products associated with the web site address; a service or services associated with the web site address; a subject matter of interest associated with the television program or the web site address broadcast on television; and the name of a host, celebrity or personality associated with the television program" at Col. 3 lines 10-25.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 4, 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly as applied to claims 1-3, 5, 7-8 above, and in view of Toki (US 5,895,462 A), hereinafter "Toki".

As per claims 4, 6, Kelly teaches the method of claims 1, 5 discussed above. Kelly does not explicitly teach that "the database is password protected". However, Toki a secured address database for storing URLs which is password protected at Col. 11 lines 33-45 and Fig. 14. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement a password protected database as suggested by Toki in order to prevent unauthorized accessing and modification to the database.

Response to Arguments

8. Applicant's arguments filed 12/08/2009 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Applicant argued that "Kelly does not use a predetermined set of web site identifiers" and "Kelly does not solicit from advertisers". On the contrary, Kelly teaches

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at Col. 3 lines 5-28 and Fig. 4 that "Database 40 comprises information compiled from various sources, such as TV advertisements schedule 50 associated with various TV shows, TV show schedule 52, TV advertiser's website 62 and other websites topically related to broadcast content 64". Kelly therefore teaches the step of soliciting (i.e. collecting, compiling) information from an advertiser (i.e. "TV Advertiser's Website" and "TV show schedule"). Kelly further teaches that the databases 40 comprises a predetermined set of website identifiers, such as date, time, and channel associated with a website which is used to response to a query comprising those identifiers and return the network address of the website based on the identifiers.

In light of the foregoing arguments, the 35 U.S.C 102 rejection is hereby sustained.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh B. Pham/
Primary Examiner
Art Unit 2166

February 22, 2010